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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,537	10/08/2003	Steven W. Gomas	126361.0101	7477
7590	05/22/2006			
Pepper Hamilton LLP 50th Floor, One Mellon Center 500 Grant Street Pittsburgh, PA 15219				EXAMINER HARPER, V PAUL
			ART UNIT 2626	PAPER NUMBER

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/681,537	GOMAS ET AL.	
	Examiner	Art Unit	
	V. Paul Harper	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 May 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 and 42-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1, 42-65 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The Examiner has considered the references listed in the Information Disclosure Statement dated 5/2/06 A copy of the Information Disclosure Statement is attached to this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 42, 44-46, 48-56, 58-61, 64 and 65 are rejected under 35 U.S.C. 102(e) as being anticipated by Csicsatka (Patent Application Publication U.S. 2003/0158737 A1), hereinafter referred to as Csicsatka.

Regarding Claim 1, Csicsatka discloses an apparatus for incorporating additional audio file information into an audio data file. Csicsatka's disclosure includes:

- a memory that contains a database of content, wherein the content comprises audio format files and associated non-audio format navigation files (abstract; Fig. 1, item 32),

- wherein each non-audio format file comprises navigation marks (abstract, tags; ¶[0017])
 - a text-to-speech converter (¶[0017]);
 - an audio output (Fig. 1, items 17, 41); and
 - a tactile user interface that is adapted to be operated by a print-disabled individual such that, when activated, the interface causes the audio output to announce information corresponding to a navigation mark from one of the non-audio format files in audio format (¶[0044], designated key to allow the user to call up and playback the audio tag information; note, intended use does not result in a structural difference).

Regarding **claim 42**, Csicsatka teaches everything claimed, as applied above (see claim 1). In addition, Csicsatka teaches:

- a library key that causes the announcement of information corresponding to the navigation mark (¶[0044] designated key);
- back and forward keys that enable directional navigation (¶[0044] audio tag played during forward or reverse skip); and
- a select key that announces a selected audio format file (¶[0044] designated key; also, ¶[0056] right arrow).

Regarding **claim 44**, Csicsatka teaches everything claimed, as applied above (see claim 42). In addition, Csicsatka teaches that "the user interface further comprises:

a help key (Fig. 5, HELP); an environmental settings key.” (Fig. 2, various keys; ¶[0047] volume control, equalization, etc. necessary accessed through one or more keys).

Regarding **claim 45**, Csicsatka teaches everything claimed, as applied above (see claim 1). In addition, Csicsatka teaches “the announcement of data corresponding to a navigation mark comprises converting the information from text format to audio format by the text-to-speech converter” (¶[0054] text-to-speech converter is used to generate an audio tag).

Regarding **claim 46**, Csicsatka teaches everything claimed, as applied above (see claim 1). In addition, Csicsatka teaches:

- each navigation mark corresponds to a position in the associated audio format file (¶[0009] location of the tag at the beginning of the file); and
- the user interface includes at least one key that, when activated after the audio output has begun to announce data corresponding to a navigation mark, causes the audio output to speak content from the associated audio file from a point corresponding to the navigation mark in the associated audio file (¶[0044] designated key allows user to playback audio tag information at any time).

Regarding **claim 48**, Csicsatka teaches everything claimed, as applied above (see claim 1). In addition, Csicsatka teaches “a digital audio decoder for use in audio broadcast or playback” (abstract; audio decoder; Fig. 1, item 12).

Regarding **claim 49**, Csicsatka teaches everything claimed, as applied above (see claim 1). In addition, Csicsatka teaches “the announced data corresponding to a navigation mark comprises information from a table of contents” (¶[0070] audio tags are used in a list of audio data files).

Regarding **claim 50**, Csicsatka teaches everything claimed, as applied above (see claim 44). In addition, Csicsatka teaches “the environmental settings comprise volume, speed, voice type, date/time, or lock/unlock file” (Fig. 2, various keys; ¶[0047] volume control, equalization, etc. necessary accessed through one or more keys).

Regarding **claim 51**, Csicsatka teaches everything claimed, as applied above (see claim 1). In addition, Csicsatka teaches “the navigation marks comprise a title, a table of contents, a page number, a content type, a library identifier, a bookmark, ordering information, an album, a performer, song lyrics, or a song genre” (¶'s[0009] title, artist, album, year, etc. and [0013]).

Regarding **claim 52**, Csicsatka teaches everything claimed, as applied above (see claim 1). In addition, Csicsatka teaches “a communication connection that receives content updates from a content provider” (¶'s [0017], [0018], audio files and playlists can be downloaded from a server or the Internet).

Regarding **claim 53**, Csicsatka discloses an apparatus for incorporating additional audio file information into an audio data file. Csicsatka's disclosure includes:

- a memory that contains a database of content, wherein the content comprises content files and index files wherein each content file corresponds to a document and has been filtered to remove irrelevant formatting, and (abstract; Fig. 1, item 32, audio files appropriately formatted; audio files can be referred to as documents, especially if they contain recorded speech),
- wherein each index file is associated with one of the content files and contains navigation information corresponding to its associated content file (abstract, tags correspond to index files; ¶[0017]);
- a text-to-speech converter (¶[0017]);
- an audio output (Fig. 1, items 17, 41); and
- a user interface including at least one key that, when activated, causes the audio output to announce information from an index file (¶[0044] designated key).

Regarding **claim 54**, Csicsatka teaches everything claimed, as applied above (see claim 53). In addition, Csicsatka teaches "the announcement of information corresponding to an index file comprises converting the information from text format to audio format by the text-to-speech converter" (¶[0054] text-to-speech converter is used to generate an audio tag)

Regarding **claim 55**, Csicsatka teaches everything claimed, as applied above (see claim 54). In addition, Csicsatka teaches, “the key comprises a table of contents key, and the announced information comprises a title for content in the content file that corresponds to the index file” (¶[0070] audio tags are used in a list of audio data files).

Regarding **claim 56**, Csicsatka teaches everything claimed, as applied above (see claim 55). In addition, Csicsatka teaches “the announced information further comprises a page number, a content type, a library identifier, a bookmark, ordering information, an album, a performer, song lyrics, or a song genre” (¶'s[0009] title, artist, album, year, etc. and [0013]).

Regarding **claim 58**, Csicsatka teaches everything claimed, as applied above (see claim 55). In addition, Csicsatka teaches “the user interface further comprises a key that, when selected after the title is announced, causes the audio output to output the content that corresponds to the title” (¶[0019], announce prior to playback; [0044], audio tags may be played every time forward skip).

Regarding **claim 59**, Csicsatka teaches everything claimed, as applied above (see claim 53). In addition, Csicsatka teaches “a digital audio decoder for use in audio broadcast or playback” (abstract; audio decoder; Fig. 1, item 12)

Regarding **claim 60**, Csicsatka discloses an apparatus for incorporating additional audio file information into an audio data file. Csicsatka's disclosure includes:

- a memory that stores a plurality of content files containing audio format content and non-audio format annotations (abstract; Fig. 1, item 32; audio files and tags); and
- a user interface comprising: a first key that, when activated, causes the device to convert an annotation from text to speech and announce information corresponding to the converted annotation (¶[0044], designated key to allow the user to call up and playback the audio tag information); and
- a second key that, when activated, causes the device to use a digital decoder to output audio format content corresponding to the announced information (Fig. 2, ¶[0055], various keys, soft keys; ¶[0056], item 62, PLAY/PAUSE button that will play the audio file using the DSP[decoder]).

Regarding **claim 61**, Csicsatka teaches everything claimed, as applied above (see claim 60). In addition, Csicsatka teaches "the converted annotation comprises a title, a table of contents, a page number, a content type, a library identifier, a bookmark, ordering information, an album, a performer, song lyrics, or a song genre" (¶[0009] title, artist, album, year, etc. and [0013]).

Regarding **claim 64**, Csicsatka teaches everything claimed, as applied above (see claim 60). In addition, Csicsatka teaches "a communication connection that

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receives content updates from a content provider" (¶'s [0017], [0018], audio files and playlists can be downloaded from a server or the Internet).

Regarding **claim 65**, Csicsatka teaches everything claimed, as applied above (see claim 60). In addition, Csicsatka teaches "the annotations comprise jumps to locations in the audio format content" (¶[0012], playlists contain locations of the audio files; ¶'s [0024], ¶[0070] audio tags are used in a list of audio data files with necessary location information to allow for jumps to audio content)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 43, 47, 57, 62 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Csicsatka in view of well known prior art (MPEP 2144.03).

Regarding **claim 43**, Csicsatka teaches everything claimed, as applied above (see claim 42). Csicsatka teaches the use of keys including soft keys (¶[0055]), but Csicsatka does not specifically teach "the user interface further comprises: a favorites key that enables the user to access a document previously added to a favorites list; and a delete key that enables the user to delete a document from the favorites list."

However, the examiner takes official notice of the fact that the use a favorites key for the purpose of easy access to frequently accessed files (that can be both added and removed from a favorites list) was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Csicsatka to support the use of a favorites list, because such a function greatly simplifies access to frequently access files.

Regarding **claim 47**, Csicsatka teaches everything claimed, as applied above (see claim 46). In addition, Csicsatka teaches the use of a DSP that can be programmed for a variety of functions (¶[0047]), but Csicsatka does not specifically teach the use of “processor programmed with time scale modification functions that adjust a delivery speed through the audio output for a plurality of audio file types.” However, the examiner takes official notice of the fact that the ability to adjust the playback speech of an audio or speech file was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Csicsatka to support variable speed playback, because such a function might be useful when trying to learn of foreign language (e.g., slow down the playback to better understand the material) or when listening to speech in a noisy environment.

Regarding **claim 57**, Csicsatka teaches everything claimed, as applied above (see claim 54). But Csicsatka does not specifically teach “the user interface further

comprises a key that, when activated, announces an environmental setting of the device." However, the examiner takes official notice of the fact that the use a key that when pressed triggers an announcement of the state of the device was well known in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Csicsatka to support the use of a "state of the system key", because such a function is useful for small devices without a display or for "eyes occupied" applications, where the user desires to know the state of the device.

Regarding **claim 62**, this claim has limitations similar to claim 57 and is rejected for the same reasons.

Regarding **claim 63**, this claim has limitations similar to claim 47 and is rejected for the same reasons.

Citation of Pertinent Art

4. The following prior art made of record but not relied upon is considered pertinent to the applicant's disclosure:

- Barile (U.S. Patent 6,448,485) discloses a system for embedding audio titles.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 42-65 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to V. Paul Harper whose telephone number is (571) 272-7605. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/15/06

V. Paul Harper
Patent Examiner
Art Unit 2626

